

1 BILL NO. G-85-06-32

3 GENERAL ORDINANCE NO. G-20-85

5 AN ORDINANCE amending the Thoroughfare
6 Plan of the City Comprehensive ("Master")
Plan by vacating dedicated utility easements.

7 WHEREAS, a petition to vacate dedicated utility easements within
8 the City of Fort Wayne (as more specifically described below) was duly
9 filed with the City Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its recommendation
13 to this body approving said petition, all in accordance with I.C. 36-7-
14 4-512(2); and

15 WHEREAS, this body concurs in the recommendation of the
16 City Planning Commission.

17 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
18 THE CITY OF FORT WAYNE, INDIANA:

19 SECTION 1. That the petition filed herein to vacate dedicated
20 utility easements within the City of Fort Wayne, more specifically
21 described as follows, to-wit:

22 The North 225 feet of the South one-half of Section
23 33, Township 30 North, Range 12 East, containing
24 13.98 acres of land, more or less, being from the
25 East right-of-way line of the Lake Erie and Western
26 Railroad to the centerline of the Bluffton Road,
27 subject to a right of way over and across the East
28 40 feet thereof for Indiana State Road #1, commonly
29 known as Bluffton Road, also except that part dedicated
30 for road purposes by deed recorded in Deed Record 643,
page 277, and also except that part dedicated for road
purposes by deed recorded in Deed Record 643, page 273,
and also except those parts conveyed by deed recorded
in Deed Record 658, page 33, Deed Record 659, page 575,
Deed Record, 719, page 128, Deed Record 721, page 106
and Document Number 73-4886 (commonly known as
3020 Commercial Road, Fort Wayne, Indiana

31 TO WIT: (1) An easement for street and highway purposes over
32 and across the East 50 feet of the West 512 feet
of the above described real estate.

Page two

TO WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.

TO WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

**Public hearing to be held on _____, the _____ day of _____, 19____, in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Redd,
seconded by Quinta, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.S.T.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd,
seconded by Quinta, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	<u>✓</u>	_____

DATE: 8-12-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 8-20-85

on the 13th day of August, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 14th day of August, 1985,
at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August,
1985, at the hour of 12:30 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

STATE OF INDIANA)
)
COUNTY OF ALLEN)

THE CITY PLAN COMMISSION

CITY OF FORT WAYNE, INDIANA

PETITION TO VACATE

RE: Real Estate legally described as:

The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right of way line of the Lake Erie and Western Railroad to the center line of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 277, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deeds recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercial Road, Fort Wayne, Indiana) (See attached survey).

TO WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.

TO-WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.

TO-WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.

TO: THE CITY PLAN COMMISSION, CITY OF FORT WAYNE, INDIANA

COMES NOW your petitioner, JOSEPH J. LEBRATO and CHARLES R. LEBRATO, by counsel, GARY D. LEBRATO and respectfully petitions the Fort Wayne City Plan Commission to approve the vacation of the above described easements.

In support thereof, your petitioners would represent as follows as to Number 1 above:

1. They are the only owners of the real estate building both sides of the easement.
2. The street is not necessary as ingress or egress to other properties whatsoever.
3. That said street is unopened and unimproved.
4. No other person, firm, or corporation is interested in or affected by the requested vacation.
5. Current buyers, Hydra-Tec, need to expand their operations.

as to Number 2 above:

1. The easement has not been used and, in fact, there is an easement for quasi public and public utilities over the North 14 feet of said legally described real estate.

as to Number 3 above:

1. The contract buyers wish to expand their operations and may need to expand northward up to and including the northern boundary line of the real estate.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described easements be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 19th DAY OF April, 1985.

Adjacent Property Owner's
Signature

Joseph D. Lebrato
Petitioner's Signature

Adjacent Property Owners
Signature

Charles R. Lebrato
Petitioner's Address

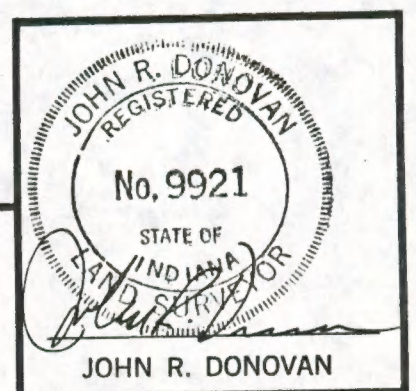
Adjacent Property Owner's
Signature

Gary D. Lebrato
Agent's Name & Address

Gary D. Lebrato
800 One Summit Square
Fort Wayne, Indiana 46802
(219) 478-1661

Adjacent Property Owner's
Signature

Adjacent Property Owner's
Signature



R E S O L U T I O N 75-52-18

WHEREAS, JOSEPH LEBRATO AND CHARLES LEBRATO have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right-of-way line of the Lake Erie and Western Railroad to the centerline of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 277, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deed recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercial Road, Fort Wayne, Indiana

TO-WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.

TO-Wit: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.

TO-WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, David Kiester, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held 7-3-85 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 3rd DAY OF July 19 85

FORT WAYNE BOARD OF PUBLIC WORKS

David Kiester
David J. Kiester
Director of Public Works

Cosette R. Simon
Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

R E S O L U T I O N

WHEREAS, JOSEPH LEBRATO AND CHARLES LEBRATO have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements in Fort Wayne, Allen County, to-wit:

The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right of way line of the Lake Erie and Western Railroad to the centerline of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 277, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deed recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercaill Road, Fort Wayne, Indiana)

- TO-WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.
- TO-WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.
- TO-WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public and quasi-public utilities.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 17, 1985 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easements

WHEREAS, said vacation of said dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easements in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, MELVIN O. SMITH, Secretary of the Fort Wayne City Plan Commission, do hereby certify that the attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 22, 1985 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 16 DAY OF July 19 85

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith

Melvin O. Smith
Secretary

ORIGINAL

DIGEST SHEET

ORIGINAL

44-85-06-32

TITLE OF ORDINANCE _____ Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ Utility easements lying between Interurban Drive,
Commercial Drive and Magnetic Drive.EFFECT OF PASSAGE _____ Property is dedicated utility easements. Property will
revert to adjacent property owner and be closed as public easement.

EFFECT OF NON-PASSAGE _____ Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

G-85-06-32

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Easement Vacation Ordinance**DETAILS****Specific Location and/or Address**

Easements lying between Interurban,
Commerical & Magnetic Drive.

Reason for Project

To allow for the expansion of structure
into the easements.

Discussion (Including relationship to other Council actions)17 June 1985 - Public Hearing

Gary Lebrato, 801 Summit Square, appeared
representing the petitioners. He stated
that the contract buyers wish to expand, and
the contract sellers are willing to allow
the expansion. He stated that in order to
expand their building they will need to
vacate the requested easements.

There was no one present who wished to
speak in favor of or in opposition to
the proposed vacation.

24 June 1985 - Business Meeting

Motion was made and carried to return the
ordinance to the Common Council with a
DO PASS recommendation.

Of the eight (8) members present seven (7)
voted in favor of approval one (1) did not
vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Joseph Lebrato
Charles Lebrato
City Department

Other

Opponents**Groups or Individuals**

None

Basis of Opposition**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

[illegible]

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Date 19 April 1985

Date 27 June 1985

Date 27 June 1985

Date 27 June 1985

Date 27 June 1985

Reference or Case Number

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will hold a public hearing on Monday, June 17, 1985 at 7:00 p.m. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the proposed vacation of the following dedicated easements in the City of Fort Wayne, more particularly described as follows:

The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right of way line of the Lake Erie and Western Railroad to the center line of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 277, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deeds recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercial Road, Fort Wayne, Indiana) (See attached survey).

- TO WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.
- TO-WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.
- TO-WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.

All interested persons are invited to appear and be heard.

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary



The City of Fort Wayne

July 22, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of July 25, 1985, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-85-06-31
Alley vacation

Bill No. G-85-06-30
Utility Easement

Bill No. G-85-06-32
Utility Easement

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



The City of Fort Wayne

July 19, 1985

Gary Lebrato
800 One Summit Square
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-85-06-32

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M. (EST) in the Common Council Conference Room, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Utility easement lying between Interurban
Drive, Commercial Drive and Magnetic Drive

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING

FORT WAYNE COMMON COUNCIL
BILL NO. G-85-06-32

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M., EST in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right of way line of the Lake Erie and Western Railroad to the center line of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 277, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deeds recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercial Road, Fort Wayne, Indiana) (See attached survey).

- TO WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.
- TO-WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.
- TO-WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE

Dr. P.O. BOX 100

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

36

3

42

COMPUTATION OF CHARGES

42 lines, 1 columns wide equals 42 equivalent lines at .300¢ \$ 12.60

cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM \$ 13.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 26 19 85

Title CLERK

Drusilla Roose

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 7/26/85

Subscribed and sworn to me before this 26th day of July 19 85

Shelley R. LaRue Notary Public

My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING

FORT WAYNE COMMON COUNCIL

BILL NO. G-85-06-32

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M., EST in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right of way line of the Lake Erie and Western Railroad to the center line of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 227, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deeds recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercial Road, Fort Wayne, Indiana).

TO WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.

TO WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.

TO WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.

All interested person are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy

City Clerk

7/26

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines 3
Body number of lines 36
Tail number of lines 3
Total number of lines in notice 42

COMPUTATION OF CHARGES

42 lines, 1 columns wide equals 42 equivalent lines at 300¢ \$ 12.60
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM \$ 13.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas Size of type 6 point

Number of insertions 1 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 26 19 85 Title CLERK
Drusilla Roose

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

7/26/85

Subscribed and sworn to me before this 26th day of July 19 85

Shelley R. LaRue Notary Public

My commission expires March 6, 1986

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-85-06-32
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 13, 1985, at 7:00 P.M., EST in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:
The North 225 feet of the South one-half of Section 33, Township 30 North, Range 12 East, containing 13.98 acres of land, more or less, being from the East right of way line of the Lake Erie and Western Railroad to the center line of the Bluffton Road, subject to a right of way over and across the East 40 feet thereof for Indiana State Road #1, commonly known as Bluffton Road, also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 227, and also except that part dedicated for road purposes by deed recorded in Deed Record 643, page 273, and also except those parts conveyed by deeds recorded in Deed Record 658, page 33, Deed Record 659, page 575, Deed Record 719, page 128, Deed Record 721, page 106 and Document Number 73-4886 (commonly known as 3020 Commercial Road, Fort Wayne, Indiana).
TO WIT: (1) An easement for street and highway purposes over and across the East 50 feet of the West 512 feet of the above described real estate.
TO WIT: (2) An easement over the West 20 feet of the above described real estate said dedication executed on September 25, 1964 and recorded in Deed Record 643, page 277-279, in the Recorder's Office of Allen County, Indiana.
TO WIT: (3) An easement over and across the North 14 feet of the legally described real estate for all public, quasi-public utilities.
All interested person are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

RECEIPT

No 11971

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4-19 1985

RECEIVED FROM Lebrato Law Office \$ 100.00

THE SUM OF one Hundred and no/100 DOLLARS

ON ACCOUNT OF Petition to Vacate
3020 Commercial Rd.

AUTHORIZED SIGNATURE

J. Neal

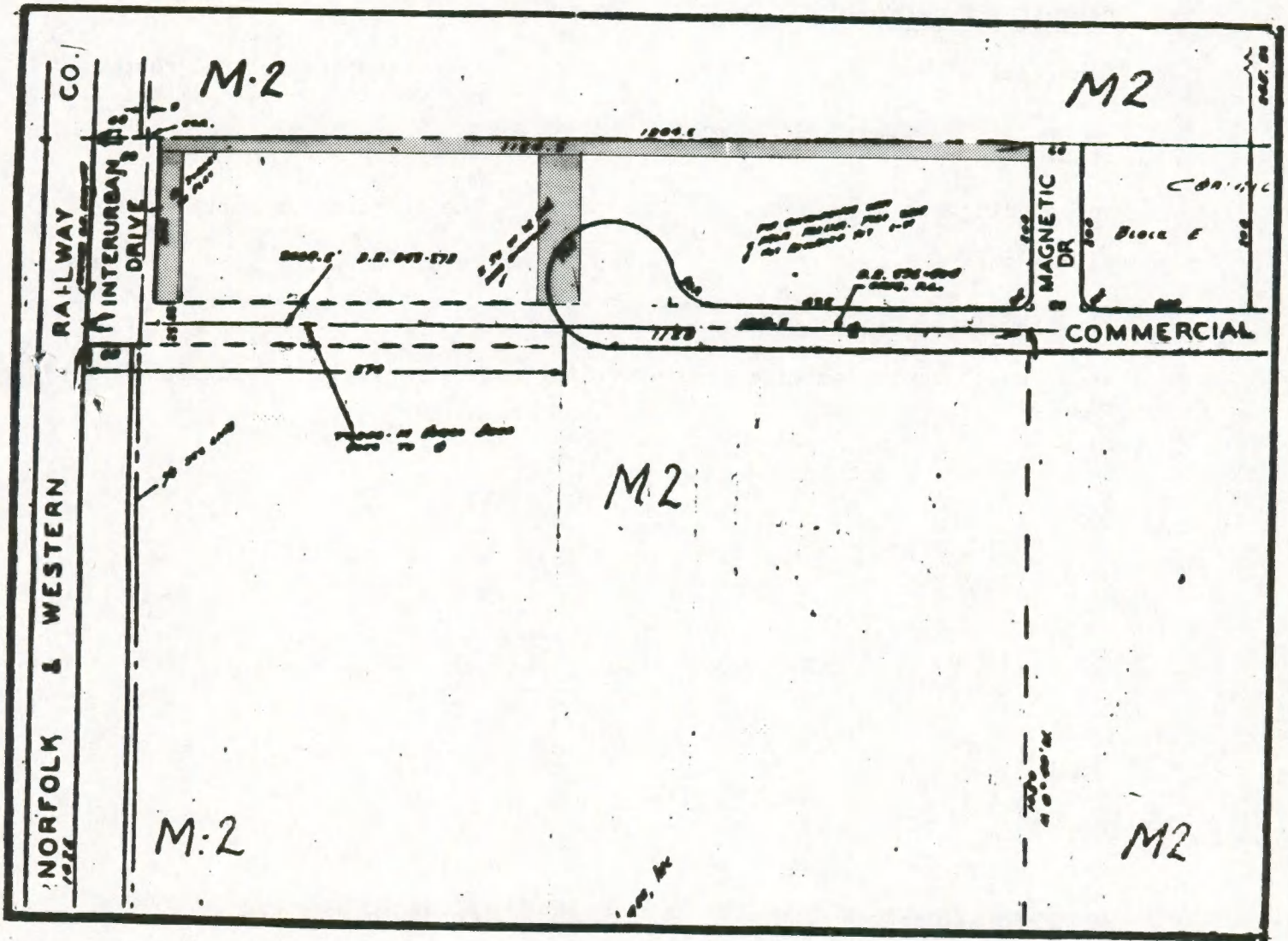
ck# 2971

VACATION PETITION #129

A PETITION TO VACATE THE DESCRIBED UTILITY EASEMENTS.

MAP NO. I-35

COUNCILMANIC DISTRICT NO.



Zoning:

M2 GENERAL INDUSTRY

Land Use:

BILL NO. G-85-06-32

Scale: 1" = 200'

Date: 4-24-85



6 June 1985

PROPOSAL:

Joseph & Charles Lebrato request the vacation of easements.

GENERAL INFORMATION:

Location:	Easements are located north, and west of Commercial Drive.
Legal Description:	Metes & Bounds in File
Surrounding Zoning:	The abutting property is M-2.
Reason For Request:	Buyers wish to expand business.

PLANNING STAFF DISCUSSION:

We se no objection to vacation, providing that all utilities release their rights.

RECOMMENDATION:

Conditional Approval

Contingent upon releases being recieved from all utilities.

BILL NO. G-85-06-32

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating dedicated
utility easements

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~) xx

YES

NO

Charles B. Redd CHARLES B. REDD
CHAIRMAN
Janet G. Bradbury JANET G. BRADBURY
VICE CHAIRWOMAN
James S. Stier JAMES S. STIER
Ben A. Eisbart BEN A. EISBART
Donald J. Schmidt DONALD J. SCHMIDT

CONCURRED IN 8-13-85

SANDRA E. KENNEDY
CITY CLERK